sentence Puzzles Lawyers, Who Looked to See Fine Imposed Under Another Section of the Code—Diamond's Atterneys Say They Will Appeal the Case.

ALBANY, Nov. 27 .- The jury in the case of Police Captain Thomas J. Diamond, on trial for neglect of duty in failing to suppress the disorderly house of Lena midt, on Stuyvesant street, New York gity, returned a verdict of guilty this morning. This was a misdemeanor, for which the penalty could be either two years in prison or \$1,000 fine, or both, under the tatute applied by the court. Almost mmediately after the verdict had been announced Justice Herrick, before whom the trial took place in the Supreme Court, enced the captain to pay a fine of \$1,000. He did not order any imprisonment, declaring that the offence was one of which almost any police captain in any large city could be convicted. Diamond's counsel at once paid the fine

The jury, which retired at 4:35 o'clock vesterday afternoon, was out all night. The jurors presented a bedraggled apnce when they resumed their seats in the jury box at 9 o'clock this morning. foreman Best, a farmer, of the town of

Mr. Cady made the motion for a new trial on the usual grounds, and when it was denied addressed the Court asking that the Court take into consideration the character of the defendant in formulating the sentence.

Justice Herrick in passing sentence.

ing the sentence.

Justice Herrick in passing sentence, said:

Diamond, it is always an unpleasant duty for courts to impose sentence and punishment for a crime, and it is peculiarly so in this case. From some little inquiry that I have made in regard to you, I find that what your counsel says of you is true, that, excepting in relation to your conduct in reference to disorderly houses, you have been an unusually intelligent and vigilant officer. I take that into consideration, and also the fact of what this conviction means to you. Whether it means in law or not, it does in fact mean a termination of your connection with the Police Department of the city of New York.

The position that you occupy is a highly honorable one, and one of great importance, one that any man of your age might well be proud to obtain, and, of course, the loss of it is correspondingly great to you. It means that after a service of about seventeen years, I think, that you have got to commence your career in life anew. That punishment alone is great. I take that into consideration. For the benefit of police officers situated as you are, and for the benefit of the public, too, I call attention to a distinction between your case as it appears before the court and that of Bissert, who has been convicted and sentenced to State Prison. I do it because the punishment that I am about to impose on you would seem altogether disproportionate when people take into consideration the punishment that has been imposed upon Bissert for his crime, and so the public must not misunderstand, for receiving bribes from houses of prostitution. Bissert was your wardman, commonly called, and the prosecution of your case has been envired, as I understand, for receiving bribes from houses of prostitution. Bissert was your wardman, commonly called, and the prosecution of the state is entirely different from what it is in another. I want to call your attention and that of police officers to the distinction between your assention the sentence of that kind would have

in summing up to the jury, you simply insisted upon their being so-called respectable disorderly houses, and I take into consideration the fact that these houses by a large portion of our community are regarded as necessary evils in large cities, and that police officers wink at their continuance. They allow them to violate the law as long as they do not faunt their violations of the law before the public. Whether that is right or wrong, I am not here to determine.

The law has said that they shall not exist at all, but I do take into consideration the fact that this kind of surveillance of house of prostitution, while strictly a violation of law, is something done probably by every police officer in every large city in the State, and that there is not a police captain, probably in any precinct of the city of New York, or in the city of Albany, for that matter, that might not be convicted for exactly the same crime that you have been convicted of Your conviction should result in a lesson to police officers. For the purpose of enforcing that lesson I do not deem it necessary to inflict upon you the additional disgrace of imprisonment. Therefore, the santence of the court is that you pay a fine of \$1,000, that you stand committed in the Albany penitentiary until that fine is paid, not exceeding one day for each dollar of fine.

The fine was paid by Mr. House to the

one day for each dollar of fine.

The fine was paid by Mr. House to the Sheriff in ten one-hundred-dollar bills.

The first poil of the jury showed that they stood 8 to 4 for conviction. The jury split on the question of "wilful neglect" on the part of the captain to put Mrs. Schmidt out of business before he did. At 8 o'clock last night the jury stood 8 to 8 for conviction and at 11 o'clock 10 to 2. The next change was at 1 o'clock this morning, when tion and at II o'clock 10 to 2. The next change was at 1 o'clock this morning, when all but one juror favored conviction. It took him only an hour to join his colleagues. Capt. Diamond and his attorneys left for New York this afternoon on the 2:15 clock train. His attorneys have decided to appeal to the Appeliate Division.

DIAMOND SAYS LITTLE.

Schmidt Woman Chuckles "We're Even and I'm Sallafied

Police Captain Diamond with his counsel. arrived last night from Albany at 6.16. On the same train, but not in the same car. was Lena Schmidt, who kept the disorderly bouse which Diamond didn't close and who was the principal witness against him, and fadle Goldberg, who was size a witness They energed to be in good spirits.

Most of the way down in the train Capt. Descend played cards with Lawyers House, bothous and Henderson, his counsel. When a reporter asked the captain if he advising to any on the support of his a sid the requir he countied. good soldiers have been sent to prison

he debraids woman and of we're even at last Bissert and sould when this trouble began said a breek me that they'd see I was at a business. I've put those out of the put the put those out of the put t

WHY A PINE OF BLOOD!

Diamond Indicted I nder the Section, Sentenend tuder knother.

he \$1,000 from inflicted on Biamond of Sunthin Marrielle numprised law years taken. National was indicted under sections 457 and the of the Fenni Code. These sections ere on follows:

freezest processes of it registed, public reflecter or person building trust of respicational upon whom it is essented by less, who will be regions to perform the duty is guilty of a functionates. This and the preceding ser-tion of not apply to came of official side as emissions, the presention of promisonest of entity to otherwise specially provided by

\$. the Commence of duty by public officer. Where may duty to or shall be emploited

CAPT. DIAMOND FOUND GUILTY by law upon any public officer, or any person holding a public trust or by person holding a public trust or emsuch duty, where no special provision shall have been made for the punishment of such

delinquency, is punishable as a misdemeanor Section 15 declares that the punishment for a crime declared to be a misdemeanor where no special provision is made by where no special provision is made by statutory enactment in the code or otherwise, shall be imprisonment for not more than one year or by a fine of not more than \$500, or both. Diamond was indicted for a misdemeanor, tried for a misdemeanor, and convicted of a misdemeanor. It was learned last night that Justice Herrick sentenced Diamond under section 471, which, with section 470, reads as follows:

\$470. Misappropriation, 4c. and falsifi-

learned last night that Justice Herrick sentenced Diamond under section 471, which, with section 470, reads as follows:

§ 470. Misappropriation, &c., and faisification of accounts by public officers. A public officer, or a deputy, or clerk of any such officer, and any other person receiving money in behalf of, or for account of the people of this State, or of any department of the government of this State, or of any bureau or fund created by law, and in which the people of this State are directly or indirectly interested, or for or or account of any city, county, village or town, who

(1.) Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or

(2.) Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him; or

(3.) Fraudulently siters, falsifies, conceals, destroys or obliterates any such account; or

(4.) Wilfully omits or refuses to pay over to the people of this State or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or to the proper officer or authority empowered to demand and receive the same, any money received by him assuch officers (sig) when it is his duty imposed by law to pay over, or account for, the same;

Is guilty of a felony.

§471. Other violations of law. An officer ino comma) or other person mentioned in that section is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

The statement that sentence was imposed under section 471 is made by Diamond's counsel and also by despatches from Albany. District Attorney Philbin, who talked with Assistant District Attorney Garvan over the telephone, was puzzled by the sentence. Garvan and Oborne concluded that Justice Herrick must have found some section of the New York Charter that applied. Mr. Philbin said he

DIAMOND MAY NOT BE "BROKE."

Murphy Will Seek Legal Advice-Police Trial Would Be Required, Anyway. The news of Capt. Diamond's conviction was first received at Police Headquarters from District Attorney Philbin, who telephoned it to Commissioner Murphy. There was gloom in the building. Capt. Diamond is quite popular and his conviction has also put those "higher up" on tenterhooks. Commissioner Murphy was at first dis-

inclined to discuss the conviction. He finally said that he would do nothing until he got official notification of the conviction and had seen a transcript of the evidence. Before he takes any steps, he said, he would consult the Corporation Counsel. Commissioner Murphy was asked what effect he thought the conviction of Capt. Dia-mond would have on the department. After hesitating he replied:

"I think it will have a good effect on the

force."
On different occasions Col. Murphy has On different occasions Col. Murphy has said that if any policeman was guilty of wrongdoing he should be convicted and removed from the force. But Capt. Diamond's conviction, it is understood, being for misdemeanor only, with an appeal expected, does not necessarily carry with it removal. He is under suspension now. Commissioner Murphy can restore him to duty if he wants to, but in the face of public opinion it is not thought that Tammany will take such a step. According to the practice, to remove a police officer convicted of misdemeanor, he must be put on trial by the Police Commissioner, be found guilty and be "broke."

Policeman McManus, who was sent to the Island for three months for falling to support his family, was tried by Commissioner Devery on the same charge, acquitted and restored to duty, and got full pay for the time he served in prison.

In some quarters it was intimated years of the same thing might be done

régime goes out.

It was taken at Police Headquarters that the verdict was a blow to Deputy Commissioner Devery. Devery went to Albany and "stood by" Diamond, Mulberry street said, and he must be disappointed. But there are lots of things worrying Mulberry street just now, with Capt. Diamond and Wardman Bissert under sentence, and Capt. Gannon—whom those "higher up" are afraid of—under indictment.

Capt. Diamond has been a policeman thirteen years, and was appointed a captain in 1898. He has been captain of the dangerous Fifth street precinct for three years.

CONVICTION PLEASES PHILBIN.

Thinks Precedent Will Shake Police Methods-Mere Fine a Disappointment.

District Attorney Philbin said yesterday "I am pleased by the verdict and dissatisfied with the sentence. I think that a term of imprisonment was due to Diamond. I don't know under what section of the Code sentence was imposed. It was my desire in taking the office of District Attorney to do something which would be of permanent advantage to the community, and it seemed then that nothing could so much accomplish that as the conviction of a police captair, who had wantonly been guilty of neglect of duty and who deliberately ignored and disregarded the complaints made to him by reputable citizens. The impression seemed to prevail in the Police Department that no matter how flagrant the neglect of duty might be it would be impossible to bring the offender to justice unless it had been proved that he had received a money considera-tion as an inducement to the violation fo-his official oath. This conviction has undoubtedly established a wholescome and important precedent that will have a de-terrent effect for many years. So far as I am aware, this is the first conviction of a



"Here's to your health and to your family's good health. "May you live long and pros

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police officer for neglect of duty that has ever been obtained by this county. I have written for a certified copy of the conviction, which I will send to Police Commissioner Murphy. I think that he will have to try Diamond on charges before he can dismiss him from the force.

"What was the sentence?" Assistant District Attorney Pelaney asked Assistant District Attorney Sandford.

"A thousand dollars fine," was the reply. "Good Lord!" ejaculated Mr. Delaney. "Do you mean to say that he got off with a fine? That is a shame."

"That's the way I look at it." said Mr. Sandford. "In his charge Justice Herrick said that the jury must find Diamond to have been guilty of wilful neglect of duty to pronounce him guilty. If it was wilful neglect it presupposed a money inducement. I suppose that the trial cost Diamond \$25,000."

Assistant District Attorney Schurman

Assistant District Attorney Schurman expressed surprise that no imprisonment was to be suffered by Diamond. Measrs. Schurman and Sandford spent some time in looking for Justice Herrick's authority to make the fine \$1,000. They could not find it.

WILL APPEAL ON WHOLE CASE Alleging Improper Sentence and Conviction

There was some inquiry among lawyers yesterday as to the effects in case Diamond's appeal should be decided in his favor on the sole ground that the sentence was improper. Lawyer House said last night that he had not examined the question sufficiently to say whether a new trial or merely a new sentence would be ordered in that case.

"We shall appeal on the whole case,"

we shall appeal on the whole case," he said, "our main point being that the testimony did not warrant the verdict. But we shall also contend that Capt. Diamond was not sentenced under the sections of the Code under which he was con-

DEVERY, GANNON, GLENNON.

Gannon Pleads Not Guilty-Has W. M. K. Olcott for Counsel.

The case of Deputy Commissioner Devery, arrested on a warrant for neglect of duty and oppression, has not yet reached the Grand Jury. Police Captain Gannon, under indictment for neglect of duty while in command of the East Twenty-second street police station, pleaded not guilty yesterday in the General Sessions, with leave to withdraw the plea by Monday. Gannon's failure to suppress the Wabster House, at 140 East Fifteenth street, after a petition to close it had been sent to him by thirty-two reputable residents of the neighborhood, is cited as the instance of his neglect. When Assistant District Attorney Sandford raided the place, with two policemen from Gannon's precinct, Gannon was found in a back room. The Webster House continued to do again. Gannon testified that not another disorderly house or any other illegal resort existed in his precinct. So the Parkhurst society raided Samuel Koller's place at 141 East Seventeenth street.

The October Grand Jury dismissed the complaint against Gannon. He was in-dicted after election by the November Grand Jury.

Judge Newburger refused yesterday to Judge Newburger refused yesterday to entertain Gannon's demurrer to the indictment, which set up that the facts alleged did not constitute a crime. He said that Recorder Goff had already held that they did on a similar motion by Captain Herlihy. He ordered Gannon to the bar, although Lawyer W. M. K. Olcott asked for delay, saying that he had just been called to take charge of the case and was not very familiar saying that he had just been called to take charge of the case and was not very familiar with it. Judge Newburger said that in that case he would accept a plea of not guilty with leave to withdraw it on Monday.

Judge Newburger also set down for Dec. 9 the trials of Sergeant Sheils and plain clothes man Dwyer of the Tenderloin station, under indictment for neglect of duty.

Island for three months for falling to support his family, was tried by Commissioner Devery on the same charge, acquitted and restored to duty, and got full pay for the time he served in prison.

In some quarters it was intimated yesterday that the same thing might be done for Capt. Diamond before the present regime goes out.

Wardman Glennon, indicted for the same offense, will probably be brought to trial in the criminal branch of the Supreme Court. The date has not been set, Of the other indicted policemen, the only case left is that of Capt. Herlihy, which is in the Appellate division on the District Attorney's appeal from Recorder Goff's dismissal of the indictment on the ground in the criminal branch of the Supreme Court. The date has not been set, Of the other indicted for the same offense, will probably be brought to trial in the criminal branch of the Supreme Court. The date has not been set, Of the other indicted policemen, the only case left is in the Appellate division on the District Attorney's appeal from Recorder Goff's dismissal of the indictment on the ground in the criminal branch of the Supreme Court. The date has not been set, Of the other indicted policemen, the only case left is in the Appellate division on the District Attorney's appeal from Recorder Goff's dismissal of the indicted for the same offense, will probably be brought to trial the criminal branch of the Supreme Court. The date has not been set, Of the other indicted policemen, the other indicted policemen, the other indicted policemen. that 100 instances of neglect of duty while Heriliny was in charge of the Eldridge street police station, were named instead of one instance. If the dismissal stands it is the intention of the District Attorney's office to submit the case to another Grand

> CANNELL TO PLEAD ON TUESDAY. May Inspect the Minutes of the Grand Jury in the Meantime.

Judge Newburger granted redress to Fire Commissioner Scannell and William L. Marks, indicted for neglect of duty and for conspiracy to defraud the city in the purchase of fire supplies, permission to examine the minutes of the Grand Jury and said that they must be ready to plead on Tuesday

ALLIANCA HERE FROM COLON. But the Steamer Left a Day Before the Insurgents Took the Town.

The Panama Railroad steamship Alliança got in yesterday from Colon a day behind her usual time because of the derangement of her circulating pumps and the buffeting of cyclonic seas in the Caribbean. She left Colon the day before the insurgents or Liberals, captured the city, so she brought

Among her passengers were twenty members of Company F. Thirteenth In-fantry, bound for Governors Island. They ieft Manila on Oct 1, arrived at San Francisco a month later and sailed thence for Panama ten days ago and crossed the Lemms to Colon They will be mustered out at Governors Island having served their terms of enlistment.

their terms of enlistment.

They expressed surprise at the littleness of the Colombians and their apparent lack of discipline. They also remarked that they believed they exuld hold the line of railroad against both factions without getting burt much. All have seen rough service in the Philippiness and are good whole.

Pounted Inscoulbie by Burglars

DUNKINK, N. Y. Nov 27 - Five burglars broke into the Post Office at Brockton. nine miles west of Dunkirk, between 2 and s o'clock this morning, and blew the safe open with dynamite, making a noise that was board all over the value. They secured \$16, accord registered packages and a quantity of postage stamps.

Darried hierry, living treat want to inventigate and was posteded stampship by the relations.

Maurice Borrymore hat Dying AMITYSHAE L. I. Nov. 27 Maurice

Marry moto, the neter, who is no invinte Derivative, the metals whose is not depling, as reported. He has known here a year or micro madergoing trenstenent for troubled chooselet. In Turner, one of the menutanity physicians as the house, and to does that the horrivations as the house, and to does that the horrivations as all the metals the matter as if was winer in first material the installation.

Thursbegiring Hop at Natul Academy Associated Mr. Nov. 27 The sortal adots gave their actival Thankingiving hop to night in the Armorr at the Kaval A catterny life Witshiell wife of Lieut N. F. Witschell assisted by Navai Cades G. J. Rowell of the first class, researched A large counter of microst-come greener Americant The Navai Academy Band

\$5000 to Tell the Committee

ELIJAH SMITH BREAKS DOWN.

ONCE FAMOUS AS CONQUEROR OF HENRY VILLARD.

He Was a Figure in Wall Street and Was Known Throughout the Nation as a

Elijah Smith has been out of Wall Street for two months. There was a time when he could not have been missing for two days without a good deal of a sensation. Those were the days when he sat in the Presidencies of railroads and was hailed as the conqueror and humiliator of Henry Villard. So far as any of Mr. Smith's friends know now, the only shred of his former power left to him is that given to him by his brother and some other sympathetic friends a year or so ago when ne was made the receiver of the Eel River Railroad, an Indiana leased line of the Pennsylvania system, 132 miles long.

Elijah Smith is now in Boston unde the care of his brother, Prosper W. Smith. It is understood that his brother has put him in a sanatorium of some sort in the hope that quiet and constant care will restore the former promoter's shattered

health. For several months before he went to Boston, Mr. Smith was in miserable condition physically, though his mental powers were as vigorous and as aggressive as ever. He lived at the old Stevens House on Bowling Green and his room there is still held for him. But there was no comfort in that old relic of lower Broadway for a man as sick and weary as Elijah Smith. He sadly acquiesced in the opinion of his friends that if recovery was come to him at all it must come through an entire change

Elijah Smith was born about 60 years ago in New Bedford, Mass. He went out from New England with the crowd that went West about fifty years ago to manage the Chicago, Burlington and Quincy Railroad. Smith was at first employed by the Chicago, Burlington and Quincy as a clerk as a small salary. He had industry and was honest in his personal dealings with others. He had unbounded faith in the future of any enterprise with which he was connected and was as obsti-nate as a mule in backing up such opinions. He was promoted rapidly in the railroad offices and extended the field of his activity to the railroad field of the middle

With James F. Joy of Detroit, he was concerned in the organization of the Wabash system. In one way and another he had to do with almost all of the small roads now included in the Wasbash lines. It was probably out of regard for these former services that in the days of his decline a place was found for him as receiver of the Eel River Railroad, when the courts decided that the Wasbash must give up Its lease of the little road and it was turned over to the Pennsylvania.

Elijah Smith, in the process of building and financing these railroads, big and little, now figured as a contractor, and again as financial agent and yet again as an executive officer. When the panic of 1873 came along it found Smith, still a very young man surveying Wall Street from the top of a very considerable pile; he had enough, just before the panic to have lived upon in comfort all these thirty years which have gone by since. When the panic was over, Elijah Smith began at the bottom, along with lots of other men, and began to work his way up again. He was down but not

and the railroads of the Pacific Slope. He was one of those who organized the Oregon Improvement Company, now the Pacific Coast Company, which operates many small lines along the north slope. He was a stockholder in lumber companies operating in southern Oregon near Coues Bay. He also embarked in Texas railroad enterprises.

Mr. Smith was most conspicuous

years ago as the opponent of Henry Villard. The Oregon and Transcontinental Company had been organized to control railroad companies under the Villard régime in the Northwest. Its principal assets were large blocks of the stock of the Oregon Railway and Navigation Company and of the Northern Pacific Railroad. When the famous smash of the \$20,000,000 blind pool of Mr. Villard came in 1883 the value of Oregon and Transcontinental Company fell away Known Throughout the Nation as a Capitalist and a Brilliant Manager of Railroads—Now in a Sanatorium.

Ijah Smith has been out of Wall Street two months. There was a time when when the same of the O. & T. stockholders lived in Boston and they had a great opinion of Elijah Smith as a revivifier. The company was at that time about \$8,000,000 in the hole and they was a treat opinion of Elijah Smith as a revivifier. The company was at that time about \$8,000,000 in the hole and there was a treat when the same of the Son the Value of Oregon and Transcontinental Company fell away to nearly nothing. Elijah Smith stepped in when Mr. Villard went abroad. Most of the O. & T. stockholders lived in Boston and Transcontinental Company fell away to nearly nothing. Elijah Smith stepped in when Mr. Villard went abroad. Most of the O. & T. stockholders lived in Boston and Transcontinental Company fell away to nearly nothing. Elijah Smith stepped in when Mr. Villard went abroad. Most of the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and Transcontinental Company fell away to nearly nothing. Elijah Smith stepped in when Mr. Villard went abroad. Most of the O. & T. stockholders lived in Boston and they had a great opinion of Elijah Smith example in the Son the Company to the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and the O. & T. stockholders lived in Boston and T. Stock and there was no apparent help in sight. Elijah Smith schemed and adjusted and went to law and calmed things down and the stock rose to about 35 in 1886 and stayed in that neighborhood for several years. Brayton Ives in Mr. Villard's absence tried to oust Elijah Smith, but was beaten off. Henry Villard came back from Europe in 1886 and began to resstablish his control over Northwestern affairs. Mr. Smith came in conflict with him more than once. Mr. Smith was increasing in importance all the time. He became President of the Iowa Central Railroad and newspapers began to talk about him, especially up about Boston, as the "greatest railroad genius of the age."

> of finance." In 1889 Mr. Villard was in position to go out after him.
>
> The control of the Oregon and Transcontinental was necessary to the plans of Mr. Villard in developing the Northern Pacific. The O. & T. owned enough Pacific. The O. & T. owned enough Northern Pacific stock to embarrass Mr. Viliard seriously in his movements in the Northwest. Mr. Smith was the President of the Oregon Railway and Navigation Company and did not want to have Mr. Villard own the proprietary company Villard own the proprietary company over his head. There was a fight for the control of the Oregon and Transconticontrol of the Oregon and Transcontinental in the Street and it developed a corner on May 17, 1889, which was not unlike the recent Northern Pacific corner.
>
> Mr. Smith had back of him Mr. Ames and others of the Union Pacific people, and James J. Hill, who was then working out his preliminaries to the Great Northern consolidation and wanted to get the O. & T. roads in Oregon and Washington to save himself considerable construction at that end of the line. In the fight for control Mr. Villard won.

as the "greatest railroad genius of the age

control Mr. Villard won. Elijah Smith, in June, 1889, went out to the Pacific Slope in a special car to carry the battle into the nominal home of the companies for the possession of which the war was being waged. He threatened to get from the Oregon courts a decision that Mr. Villard, as controller of the proprietary company, could not vote its Oregon Railway and Navigation Company stock. If such a decision could have been obtained, Mr. Villard's right to vote the

stock. It such a decision could have been obtained, Mr. Villard's right to vote the Northern Pacific stock under the same ownership would have been made questionable. He dodged the issue and left the settlement of the Oregon Railway and Navigation Company's troubles to Mr. Smith and those back of him.

The Union Pacific took a lease in perpetuity of the O. R. & N. Co. and Mr. Smith's brother, Prosper W. Smith of Boston, was made the President of it, while Mr. Smith became the President of the Oregon Improvement Company. Mr. Smith, though on the surface of things he seemed to divide the honors with Mr. Villard, came out of the fight broken in body and pocket. He was very quiet for four or five years.

Elijah Smith was all his life long an enthusiastic, unreasoning built. Times were

for four or five years.

Elijah Smith was all his life long an enthusiastic, unreasoning bull. Times were never so dreary that he did not point to the place where the break in the skies was sure to appear. When times were bright he was always looking for a blaze of unprecedented glory. When ex-Gov. Roswell P. Flower took the lead in the bull movement in 1897 he found Elijah Smith hard up but cheerful. The Governor helped him a little and pushed him a little and in a few months Elijah had made a million dollars out of Brooklyn Rapid Transit and New York Air Brake. When Brooklyn Rapid Transit was at 137 Governor Flower advised his friends to get out. But Elijah was waiting for the blaze of glory and held on. The Governor died. James R. Keene rose in his might and B. R. T. went down to 50. Elijah was downed again.

This time he had lost his health as well as his money. He stayed around, downtown, visiting among his friends of goneby days. Those who had always been fond of him were very fond of him still and liked to have him around. Sometimes he did a little trading. Last year the receivership helped him out considerably.

he did a little trading. Last year the re-ceivership helped him out considerably. He was so in love with the atmosphere of the street that he took rooms at the Stevens House and seldom went above the City Hall.

Established 1823. THE WILSON DISTILLING CO.,

called "Elijah the Profit" and was described as sitting in the chair of Henry Villard describe him as resembling William H. Vanderbilt. He wore his beard in two wide flowing branches. He had curly hair and let it grow quite long. He was known for his untidiness of appearance; he was absolutely careless of his looks. In his days of prosperity he was an inveterate smoker and story teller.

MEDAL FOR LIEUT. NEWCOMB.

Congress Rewards Commander of the

Hudson for His Bravery at Cardenas. PATCHOGUE, L. I., Nov 27.-Lieut. Frank H. Newcomb, on duty here as Inspector of the Third and Fourth Life Saving districts, received to-day the gold medal voted him by Congress for his action while in command on the revenue cutter Hudson at the battle off Cardenas, on May 11, 1898. When the torpedo boat Winslow was disabled by the fire of the Spanish gunboats and Ensign Worth Bagley and several of her crew slain, the Hudson pushed in and, although only a wooden craft, Lieut. Newcomb worked for half an hour under a galling fire until a line was fastened under a galling fire until a line was rastened to the disabled Winslow and she towed her out of ra ge Congress selected him to receive a gold medal, the only one given to a commissioned officer for signal bravery during the Spanish War.

Each of the officers on the Hudson other than her commander received a silver medal exactly alike in design to the gold one given Lieut. Newcomb and the sailors on board each received a bronze medal.

NEW FERRYBOAT TO THE ISLAND. -She's an Improvement.

The John F. Carroll, the new twin screw steamer which is to replace the old Minnahannock, the boat of the Department of Correction running between the foot of East Twenty-fourth street and Hart's Island went for her builder's trial spin yester day. Deputy Commissioner N. O. Fanning represented the Department of Correction. He said last night that the steamer has not been accepted by the city yet. She is a great improvement on the old boat. She is fitted with an ice-crusher bow.

First Boston-Mediterranean Liner Satis.

Boston, Nov. 27 .- Gayly decked in bunting, the steamship Commonwealth of the Dominion Line sailed at 11 o'clock this morning from the Hoosac docks, inaugurating the Boston-Mediterranean service, which marks a new era in the commercial history of this port. She carried 117 saloon, 30 second cabin and 400 third-class passengers, besides about 1,000 tons of general freight. The saloon passengers included the Duke de Arcos, the Spanish Minister at Washington, accompanied by the Duchess of Arcos, and Rear Admiral Albert Kautz, U. S. N.

H. K. Cassatt's Cigarette Case Recovered. ATLANTIC CITY, N. J., Nov. 27 .- A gold cigarette case stolen from the room of R. K. Cassatt, son of President A. J. Cassatt of the Pennsylvania Railroad while he was a guest at the Garden Hotel in August last, was recovered from a pawn shop in New York and the culprit, William Wright, 17 years old, is lodged in the city jail here. He was arrested in Baltimore. He was a

Tiffany & Co.

That's All!

Plates

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NEW RELIGIOUS SECT. The Rev. Dr. St. Clair Tells of Its Inception

SYRACUSE, Nov. 26 .- The Rev. Dr. Harry St. Clair, who is promulgating the religion of the "Oahspe" in this city, told to-day of the founding of the religion. The sect believes in settling all misunderstandings among themselves. They are vegetarians. and there is no recourse to law among their and there is no recourse to law among their-followers. Divorce and second marriage are prohibited, and the ministers do not marry. The object of the religion is not to tear down other religions, but to add to the good that there is already in them. Dr. St. Clair is a handsome man, 43 years old, with hair parted in the middle. He was formerly a Methodist minister. He said: "The Oakspa Bible was written through

a Methodist minister. He said:

"The Oahspe Bible was written through the instrumentality of Dr. J. B. Newbrough of New York, a dentist, who is now dead. He was told by a spirit to purify himself, and he gave up eating flesh, fish and milk and bathed twice daily. In accordance with another command he sat for half an hour every morning in a small room before sunrise recounting his shortcomings, to his Creator. After some time a new confore sunrise recounting his shortcomings, to his Creator. After some time a new condition of things came to him. He heard the voices of angels. One morning an angel directed him to get a typewriter, which he did, and applied himself industriously to learn, but with no success. One morning, as he was working, the light struck on the keys and an angel worked for fifteen minutes. The doctor was told not to read keys and an angel worked for fifteen minutes. The doctor was told not to read
what had been written, and he obeyed.
One morning he looked out of the
window and beheld a line of light
extending heavenward. Over his head
were three pairs of hands and behind him
was an angel with her bands on his shoulders. For fifty weeks he worked an hour
before sunrise. The title of the book,
'Oahspe,' came from above and is obtained
from the sound of the wind; it means Jehovah. At the conclusion the doctor was
told to send the book broadcast."

Dr. St. Clair says that Dr. Newbrough
died soon afterward, and he was selected
by divine revelation to carry on the work.
There are a few followers here. A temple
will be built if enough people can be interested.

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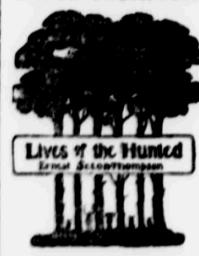
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